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May 22, 2023

VIA ECF

Honorable Valerie Caproni, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square, Room 443
New York, New York 10007

Re: *In re Navidea Biopharmaceuticals Litigation, Case No. 19-cv-01578-VEC*

Dear Judge Caproni:

This firm represents Navidea Biopharmaceuticals, Inc. (“Navidea”) and Macrophage Therapeutics, Inc. (“Macrophage”) in the above-referenced action. We write to request a one-week extension of time to the current motion for summary judgment briefing schedule due to medical issues that have impacted counsel for Navidea and Macrophage.

On March 17, 2023, Your Honor approved the following schedule: motions for summary judgment are due no later than May 25, 2023; oppositions are due no later than June 22, 2023; and replies are due no later than July 13, 2023 [Dkt. No. 309]. While Your Honor indicated that the Court was “unlikely to extend the briefing deadlines” for reasons discussed at the conference, one of those reasons that the Court indicated might be grounds did in fact arise necessitating Navidea and Macrophage’s request. We would therefore request that the schedule be modified as follows: motions for summary judgment are due no later than June 1, 2023; oppositions are due no later than June 29, 2023; replies are due no later than July 20, 2023.

We have disclosed the underlying issues to Dr. Goldberg’s counsel and he does not object to the requested extension. To the extent the Court requires, we can file more detail under seal with the Court.

We thank Your Honor for your attention to this matter.

Respectfully submitted,

/s/ Barry M. Kazan

Barry M. Kazan

Application GRANTED.

SO ORDERED.

A handwritten signature in blue ink, appearing to read "Valerie Caproni", is written in a cursive style.

Date: 5/24/2023

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE